

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

ROGELIO ELOPRE,

Plaintiff,

v.

BOYD, et al.,

Defendants.

No. 1:21-cv-00211 GSA (PC)

ORDER DIRECTING PLAINTIFF TO SHOW CAUSE WHY THIS MATTER SHOULD NOT BE DISMISSED FOR FAILURE TO OBEY A COURT ORDER

(See ECF No. 26)

PLAINTIFF'S SHOWING OF CAUSE OR, IN THE ALTERNATIVE, PLAINTIFF'S NOTICE OF CURRENT ADDRESS DUE IN SEVEN DAYS

Plaintiff, a former state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. Plaintiff has paid the filing fee. See ECF No. 9. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

Before this Court are Plaintiff's first amended complaint docketed on May 16, 2022 (ECF No. 25), and the Court's July 23, 2024, minute order which directed Plaintiff to file a notice of current address. (ECF No. 26). For the reasons stated below, Plaintiff will be ordered to show cause why this matter should not be dismissed for failure to obey a court order. As an alternative to filing the showing of cause, Plaintiff may file a notice of current address with the Court. Plaintiff will be given seven days to take either course of action.

I. RELEVANT FACTS

On May 16, 2022, Plaintiff filed a first amended complaint. ECF No. 25. Over a year later, because a significant amount of time had passed since Plaintiff had filed the amended pleading, Plaintiff was ordered to file a notice of current address with the Court. ECF No. 26. He was given seven days to do so. *Id.*

II. DISCUSSION

More than seven days have passed and Plaintiff has not complied with the Court's order, nor has he requested an extension of time to do so. See generally docket. Plaintiff has not responded the Court's order in any way.

These facts on their face would warrant a recommendation that this matter be dismissed. However, given that: (1) the order which directed Plaintiff to file a change of address has not been returned to the Court marked “undeliverable,” and (2) throughout these proceedings, Plaintiff has been diligent in filing notices of change of address with the Court (see, e.g., ECF Nos. 14, 21), prior to recommending the dismissal of this matter, Plaintiff will be directed to show cause why this matter should not be dismissed for failure to obey a court order. As an alternative to filing the showing of cause, Plaintiff will be permitted to file a notice of current address with the Court. Plaintiff will be given seven days to take either course of action.

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff is ordered to SHOW CAUSE why this matter should not be DISMISSED for failure to obey a court order; or
 2. As an ALTERNATIVE to filing the showing of cause, Plaintiff may file a notice of current address with the Court, and
 3. Plaintiff shall have seven days to take either course of action.

IT IS SO ORDERED.

Dated: **March 11, 2025**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE